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SECDEF FOR OSD(P)/STRATCAP
NAVY FOR CNO-N5JA AND DIRSSP
AIRFORCE FOR HQ USAF/ASX AND ASXP
DTRA FOR OP-OS OP-OSA AND DIRECTOR
NSC FOR LOOK
DIA FOR LEA

E.O. 12958: DECL: 09/21/2019

TAGS: [KACT](#) [MARR](#) [PARM](#) [PREL](#) [RS](#) [US](#) [START](#)

SUBJECT: START FOLLOW-ON NEGOTIATIONS, GENEVA (SFO-GVA-V):
(U) FOURTH TREATY TEXT AND DEFINITIONS WORKING GROUP,
SEPTEMBER 28, 2009, P.M. SESSION

REF: JOINT UNDERSTANDING APRIL 6 2009

Classified By: A/S Rose E. Gottemoeller, United States
START Negotiator. Reasons: 1.4(b) and (d).

[1](#)1. (U) This is SFO-GVA-V-026.

[1](#)2. (U) Meeting Date: September 28, 2009
Time: 3:00 p.m. - 6:00 p.m.
Place: U.S. Mission, Geneva

SUMMARY

[1](#)3. (S) At the fourth Treaty Text and Definitions Working Group (TTDWG) meeting of the session, the Parties continued discussion of the U.S.-proposed Joint Draft Text (JDT) for the treaty Preamble. Agreement was reached on the title, opening and closing statements and six paragraphs. Brackets remained on nine paragraphs. Delegation has prepared a complete U.S.-proposed merged text for the draft START-Follow-on Treaty, which includes the results of the final discussion on the Preamble. That U.S.-proposed text will be sent septel.

[1](#)4. (S) The Russian side engaged the U.S. side in discussions on the interrelationship of strategic offensive arms and missile defense systems and on the connection of the Ukrainian contribution to START and its accession to the Nonproliferation Treaty (NPT). At the end of the meeting it was agreed that the heads of the delegations would attempt to

develop agreed language on these issues.

WHERE WE STAND - THE EASY STUFF

15. (S) At the fourth meeting of the TTDWG, the Parties began the meeting by agreeing on the Russian-proposed formulation of the treaty title and also the phrase "Have agreed as follows," which appeared at the end of the Preamble. Mr. Koshelev summarized the current state of play for the remainder of the Preamble noting the agreed upon text and the text that remained bracketed. The sides agreed to leave the paragraph on the "devastating consequences of nuclear war" bracketed since agreement could not be reached on removing the reference to nuclear war.

EQUAL SECURITY FOR THE PARTIES

16. (S) Moving on to the discussion of the paragraph which began with "Guided by the principle...", Ambassador Ries observed the importance of retaining the second part of the paragraph since it had implications all along the range of the U.S.-Russian relationship. She asked Koshelev whether the Russian side preferred "all Parties" or "both Parties" when formulating the text of the first sentence. Koshelev stated the Russian side could agree with either formulation, however, if agreement could be reached on including "equal security," discussion of the paragraph could be concluded.

The first part of the sentence in the JDT was changed to "Guided by the principle of equal security for both Parties," and that part of the sentence would remain bracketed as Russian text.

VERIFICATION MECHANISM

17. (S) In reference to the paragraph which began with "Desiring to create a mechanism...", Ries stated that verification was an important and essential part of this treaty and as such needed to be mentioned in the Preamble in order to strengthen its place within the treaty. Additionally, a robust verification regime required mentioning in the Preamble. Ries asked Koshelev whether the Russian concern was simply a matter of wording or was the concern conceptual. Koshelev stated that the text of this paragraph had originally been proposed by Russia in response to treaty text proposed by the last U.S. Administration. That treaty text had not put forth a verification mechanism but rather was built on confidencebuilding measures and transparency. Since the U.S.-proposal had now changed the Russian delegation saw no need to specify this concept in the Preamble. It was sufficient that the verification mechanism was developed inside the treaty and Koshelev did not see the Russian position on this changing. Further discussion on this Preamble paragraph could be conducted once the appropriate working groups made their decisions on verification mechanisms. It was decided that this paragraph would remain bracketed, now as U.S. text.

MISSILE DEFENSE, A RUSSIAN REDLINE

18. (S) An extremely energetic discussion on missile defense began with Ries' statement that the U.S.-proposed formulation for the paragraph on the interrelationship between strategic offensive and defensive arms was consistent with the Joint Understanding from the Moscow Summit (Reftel). In fact, with the exception of "Recognizing," the U.S.-proposed formulation used the same text from the Joint Understanding. Koshelev understood that the Joint Understanding included the requirement for a "Provision" because the two Presidents left

it up to the negotiators to decide on the proper formulation to describe the interrelationship between strategic offensive and strategic defensive arms and for the Russian side this meant finding the correct wording for "strategic defensive arms." Defensive arms had a very broad meaning of which a missile defense system and its components was a part. Given this, the Russian side proceeded from the idea the Presidents required the negotiators to develop wording describing the interrelationship between strategic offensive arms and the deployment of a missile defense system. Use of the phrase "defensive arms" did not meet the Russian understanding of the Joint Understanding and U.S. insistence on its use crossed a Russian redline. The Russian side could not sign a treaty without the stated interrelationship between strategic offensive arms and deployment of missile defense systems.

¶9. (S) Ries put forth that by placing "Recognizing" ahead of interrelationship text as the U.S. side had proposed, the

Presidential instructions were being met. When asked by Koshelev, Mr. Taylor stated that "Recognized" was a stronger word in the English formulation than use of the phrase "Taking note of" in the Russian formulation. Koshelev accepted "Recognizing," since, as Taylor suggested, it showed a strong history of the issue. As for the interrelationship language, Ries stated it was worth noting the United States and Russia were planning and had begun some cooperation on defenses to common threats. Earlier in the discussion, Koshelev had stated that he had a formulation that was going to be provided to Ambassador Antonov. When asked, Koshelev provided the following formulation: "Recognizing the inseparable interrelationship between the reduction of strategic offensive arms and the deployment and build-up of missile defense systems and their components." Admiral (Ret) Kuznetsov and General Venevtsev attempted to sidetrack the discussions by engaging the U.S. side on U.S./Russian mil-to-mil cooperation in the area of non-strategic defensive arms and pressing for a definition of strategic defensive arms, which added little to the cross table discussion.

INDISSOLUBLE GONE

¶10. (S) Koshelev cleared up confusion on the use of the word "indissoluble" within the paragraph. The Russian side corrected the English translation by stating it had used the word "inseparable" which meant unbreakable like a rock, which was not as strong as "indissoluble." Since the first part of the paragraph would remain bracketed as a Russian proposal, the sides agreed to show Russia's preferred word.

FROM ONE ENERGETIC DISCUSSION TO ANOTHER

¶11. (S) In the Russian-proposed formulation of the paragraph which began with "Highly appreciating the contribution of...", Ries recommended replacing "Highly" with "Deeply" and adding "under the Treaty on the Non-Proliferation of Nuclear Weapons of July 1, 1968" to the end of the paragraph. This suggestion touched off the second extremely energetic discussion of the meeting. Koshelev stated that proposed text needed to avoid any connection of Ukraine's contribution to START with Ukraine's accession to the NPT, which was a requirement of becoming a Party to START. In Russia's view, Ukraine had acceded to the NPT only after receiving security assurances from the United States and Russia. Russia was convinced that Ukraine believed that these security assurances would no longer be in effect once START expired. As such, any stated connection between START and Ukraine's accession to the NPT in the text of the new treaty might lead Ukraine to assert there was a legal right to ask for additional security assurances beyond those within the NPT. Koshelev expressed his concern that highlighting this connection could lead Ukraine to use its NPT membership as leverage to demand new security assurances. Koshelev stated

that except for the phrase directly referring to the NPT, the Russian side had no problems with the U.S.-proposed text. The proposed text was needed to praise Ukraine on its contribution to nuclear disarmament, not on its contribution to non-nuclear proliferation; and specifically to its

adherence to the NPT.

EQUAL SECURITY

¶12. (S) On a less energetic note, the sides agreed to delete the first sentence in the paragraph on equal security since the phrase "equal security" had already been added to a prior paragraph. Koshelev stated that he believed the Russian side would be agreeable to "for all Parties" but this had to be decided by Antonov. Ries mentioned that the second thought in the paragraph beginning with "believing that global challenges and threats..." was a useful concept. Koshelev agreed and the sides retained the remaining text but left it bracketed for further consideration.

MINDFUL SIGNIFICANCE

¶13. (S) Koshelev questioned the reason for using "significance" in the paragraph regarding strategic ballistic missiles in a non-nuclear configuration. The Russian side believed the word did not relay the negative impact of non-nuclear ICBMs and SLBMs on strategic stability. Ries replied that in the U.S. view "significance" did not relay a positive or negative impact; it just recognized the effect of a non-nuclear strategic ballistic missile. Koshelev could not agree with this assessment since further in the treaty, Russia proposed a ban on non-nuclear ICBMs and SLBMs and the U.S. proposed not to include them in the limit on strategic delivery vehicles. These provisions pointed to the negative impact of these systems. For the Russian side this was the second most important issue behind missile defense. Without an understanding of the importance of non-nuclear arms, treaty signature was impossible.

¶14. (S) Koshelev attempted a re-attack by suggesting the formulation, "Agreeing that ICBMs and SLBMs in a non-nuclear configuration have an impact on strategic stability," to which Ries replied that this formulation continued to show that there was agreement that an impact existed. The two sides agreed that the brackets would remain and left the formulation of the paragraph to the Heads of the Delegations.

FINALLY, THE FINAL PROVISIONS

¶15. (S) Koshelev believed the differences in the U.S.- and Russian-proposed texts in paragraph 1 of Russian-proposed Treaty Article XV/U.S.-proposed Treaty Article XIV on entry-into-force were mainly editorial. Unfortunately he handed the discussion of the formulation over to his lawyer and the word war began. Ms. Kotkova stated she understood this formulation existed in QART, but recognized each side had its own procedures for ratifying a treaty. The Russian side saw only one reason that the U.S.-proposed text included language on constitutional procedures and that reason was to please the U.S. Senate. Mr. Dean replied that he was happy to hear that both sides were not suggesting non-constitutional language to ratify the treaty. He noted

the language was included in the START and Moscow Treaties and was standard ratification language. It was unambiguous and did no harm as part of the treaty. The U.S. Senate expected to see this language in the treaty and removal could raise questions in the Senate. The Senate could view deletion as the Parties ignoring its constitutional role in

the treaty process and jeopardize U.S. ratification.

¶16. (S) Kotova asked whether the United States had procedures other than constitutional procedures to ratify an international agreement. Dean responded in the negative and a hushed "Touche" was heard coming from the other side of the table.

¶17. (S) Ries stated that this language usually was seen in the formulation of treaty text and leaving it out may impute questions. Koshelev stated he did not believe that removing the text would jeopardize the treaty and that the Russian side saw the new treaty as an opportunity to simplify procedures. The sides agreed to keep the formulation in the JDT and leave it for further discussion. Koshelev also suggested leaving the text on treaty structure bracketed until this had been decided on in the working groups.

A ROSE BY ANY OTHER NAME

¶18. (S) Kotkova recognized that each side had its own way of referring to the Moscow Treaty in paragraph 2. Whereas the U.S. side referred to it as the Moscow Treaty, the Russian side used a shorter version of the official name of the treaty; the Treaty Between the Russian Federation and the United States of America on Strategic Offensive Reductions of May 24, 2002. She recommended that since the long title was used in the Preamble, it should be used again here for consistency. Ries asked whether there were any negative connotations to referring to the treaty as the Moscow Treaty, to which Kotkova responded that Russia officially called the treaty Strategic Offensive Reductions Treaty (SORT). Ries believed resolution could wait until the issue was resolved in the Preamble.

¶19. (U) Documents exchanged:

U.S.:

-- U.S.-proposed JDT of Final Provisions, dated September 28, 2009 (in English and unofficial Russian)

¶29. (S) Participants:

U.S.

Amb Ries
Mr. Brown
Mr. Connell
Mr. Dean
Mr. Evans
Dr. Fraley
Mr. Hanchett
Col Hartford
Mr. Johnston

Mr. Taylor
Mrs. Zdravecky
Ms. Gross (Int)

RUSSIA

Mr. Koshelev
Col Kamenskiy
Ms. Kotkova
Adm (Ret) Kuznetsov
Mr. Luchaninov
Mr. Leontiev
Mr. Malyugin
Gen Venevtsev
Ms. Evarovskaya (Int)

¶30. (U) Gottemoeller sends.
RICHTER